

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

TIM BOHRER, RONDA BOHRER,  
ROY YOHO and DARLENE YOHO  
individually and on behalf  
of a class of persons  
similarly situated,

Plaintiffs,

v.

Civil Action No. 5:16CV156  
(STAMP)

AXIAL CORPORATION,

Defendant.

**ORDER OF DISMISSAL WITHOUT PREJUDICE**

On October 28, 2016, the plaintiffs filed a notice of voluntarily dismissal this civil action under Federal Rule of Civil Procedure 41(a)(1)(A)(i). ECF No. 8. The defendant has not served the plaintiffs with an answer or motion for summary judgment. Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), the plaintiffs are entitled to voluntarily dismiss this civil action without a court order. Accordingly, it is ORDERED that this civil action is DISMISSED WITHOUT PREJUDICE and that this civil action be STRICKEN from the active docket of this Court.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: October 31, 2016

/s/ Frederick P. Stamp, Jr.  
FREDERICK P. STAMP, JR.  
UNITED STATES DISTRICT JUDGE